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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,893	12/15/2000	Yannick Teglia	99-RO-182	2162

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EXAMINER

KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/738,893	Applicant(s) TEGLIA, YANNICK	
	Examiner Nadia Khoshnoodi	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/14/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to amended claims 1-2, 4-10, 13-15, 17-19, & 21-23 and previously presented claims 3, 11-12, 16, 20, & 24 filed 12/14/2004 have been fully considered (See 37 CFR 1.111 or MPEP 714.04) but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Applicant contends that Pfab does not disclosed a method for secured transfer of the an N-byte data element in which the value of at least one parameter of a transfer rule defining the order in which the bytes of the data elements are transferred is randomly chosen before each transfer of the data element, and the N-byte data element is transferred byte-by-byte in the order specified by the transfer rule. Examiner respectfully disagrees with Applicant on these points. Pfab teaches the secure transfer of data bits, i.e. an N-byte data element (col. 2, lines 57-65). Furthermore, Pfab also teaches transfer rules by addressing that the encoding module determines which bit lines should be used, as well as how the significance of different bits can be altered (col. 6, lines 44-57). Pfab's disclosure of altering the significance of different bits is equivalent to that of defining the order in which the bytes are transferred because of the fact that 1 byte consists of eight bits. Pfab also teaches that the key, i.e. a parameter of the transfer rule, can be randomly selected (col. 4, lines 52-57). Finally Pfab teaches that the data element is transferred byte-by-byte because a sequence of eight bits is equivalent to one byte and there is an operating module that can influence the encoding using different conversion methods (col. 5, lines 19-26).

Furthermore, Applicant contends that Pfab does not disclose a programmable circuit that includes a random number generator that supplies the value of at least one parameter of a data

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transfer rule that defines the order in which the bytes of the data element are transferred before each transfer of the data element and a control unit that controls a data bus that the N-byte data elements is transferred byte-by-byte in the order specified by the data transfer rule. Examiner respectfully disagrees with Applicant on these points for the reasons discussed above.

Furthermore, Pfab specifically teaches an electronic data processing circuit including a random number generator for randomly selecting a key, i.e. the parameter of the transfer rule (claim 14).

Pfab also teaches a control unit that controls the data bus in order to send the data bits, where eight bits is equivalent to one byte and therefore the option of sending data elements byte-by-byte is available because it is commonly known in the art (col. 8, lines 15-62).

Finally, Applicant contends that Pfab does suggest using a permutation to encode the data, but does not teach or suggest using a permutation of the bytes of an N-byte data element such that each transfer of the N-byte data element is not done in the same byte order. Examiner agrees that Pfab suggests using a permutation to encode the data, but respectfully disagrees with Applicant that this does not imply a permutation of the bytes of an N-byte data element so that each transfer of the N-byte data element is not done in the same byte order. Data is broken up into bits, where eight bits is equivalent to one byte. Therefore, since a permutation is being used to encode the data bits, it ensures that there is also a permutation of the bytes of an N-byte data element based on the fact that a byte is broken up into eight bits. Hence, each transfer of the N-byte data element is not done in the same byte order (col. 3, lines 40-49 and col. 8, lines 15-62). Furthermore, since there are different data lines that can be used to transfer the data elements, the bytes are still not transferred in the same byte order (col. 8, lines 1-50).

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Due to the reasons stated above, the Examiner maintains rejections with respect to amended claims 1-2, 4-10, 13-15, 17-19, & 21-23 and previously presented claims 3, 11-12, 16, 20, & 24. Pfab teaches the limitations that the Applicant suggests distinguish from the prior art. Furthermore, Menezes in combination with Pfab teach the limitations not explicitly disclosed by Pfab. Therefore, it is the Examiner's conclusion that amended claims 1-2, 4-10, 13-15, 17-19, & 21-23 and previously presented claims 3, 11-12, 16, 20, & 24 are not patentably distinct or non-obvious over the prior art of record as presented.

Claim Rejections - 35 USC § 103

I. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

II. Claims 1-2, 14-15, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfab and that which is commonly known in the art.

See Previous Office Action (Mail Date 6/03/2004).

III. Claims 3-13, 16-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfab and that which is commonly known in the art, and further in view of Menezes.

See Previous Office Action (Mail Date 6/03/2004).

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

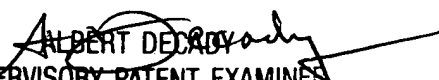
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Nadia Khoshnoodi
Examiner
Art Unit 2133
6/7/2005

NK



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